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| APPLICATION NO.               | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 09/518,048                    | 03/02/2000  | Robert Baritz        | P/1318-73           | 5346             |
| 2352                          | 7590        | 12/30/2008           | EXAMINER            |                  |
| OSTROLENK FABER GERB & SOFFEN |             |                      | HENEGHAN, MATTHEW E |                  |
| 1180 AVENUE OF THE AMERICAS   |             |                      | ART UNIT            | PAPER NUMBER     |
| NEW YORK, NY 100368403        |             |                      | 3992                |                  |
|                               |             |                      | MAIL DATE           | DELIVERY MODE    |
|                               |             |                      | 12/30/2008          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* ROBERT BARRITZ,  
PETER KASSAN and PER HELLBERG

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Application No. 09/518,048  
Technology Center 2100

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Mailed: December 30, 2008

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Before KRISTA ZELE, *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 22, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on December 31, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 C.F.R. § 41.43(a)(1) and MPEP § 1208, part II.

Accordingly, it is **ORDERED** that the application is returned to the Examiner to:

- 1) consider the Reply Brief filed December 31, 2007 as indicated above;
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/kis

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